

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KENNETH WILLIAMS,

Plaintiff,

v.

CLARK COUNTY *ex rel et al.*,

Defendants.

Case No.: 2:22-cv-00045-CDS-EJY

REPORT AND RECOMMENDATION

On January 10, 2022, Plaintiff filed a state court application to proceed *in forma pauperis* (“IFP”) together with a Complaint. ECF Nos. 2, 2-1. On January 11, 2022, Plaintiff’s IFP was denied and the Court recommended his Complaint be dismissed without prejudice. ECF No. 3. The Court granted Plaintiff until February 22, 2022 to file an amended complaint. *Id.* District Judge Dorsey accepted the recommendations on January 27, 2022, and ordered Plaintiff to file a complaint on the Court’s form no later than February 28, 2022. ECF No. 5. On February 11, 2022, Plaintiff filed his Amended Complaint. ECF No. 6.

On June 16, 2022, the Court screened Plaintiff’s Amended Complaint recommending dismissal of Plaintiff’s claims against Clark County and the Las Vegas Metropolitan Police Department (including the Flex Team) without prejudice and dismissal of numerous claims asserted against various Defendants with prejudice. *See* ECF No. 12 for details. The Court granted Plaintiff one additional opportunity to file a second amended complaint no later than July 15, 2022. *Id.* The Court informed Plaintiff that failure to file a second amended complaint would result in a recommendation to dismiss this action in its entirety without prejudice. *Id.*

On July 8, 2022, Judge Silva adopted the recommendation and ordered Plaintiff to file a second amended complaint no later than July 15, 2022. ECF No. 13. As of the date of this Report and Recommendation, Plaintiff has not filed a second amended complaint.

1 Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed with
2 prejudice for failure to comply with the Court's prior Orders.

3 DATED this 23rd day of December, 2022.

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5 ELAYNA J. YOUCHAH
6 UNITED STATES MAGISTRATE JUDGE
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8 **NOTICE**

9 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
10 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
11 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
12 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
13 held that (1) failure to file objections within the specified time and (2) failure to properly address
14 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
15 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
16 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
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